

STATE BAR OF CALIFORNIA  
Education Foundation  
180 Howard Street  
San Francisco, CA 94105

## THE STATE BAR OF CALIFORNIA LABOR AND EMPLOYMENT LAW SECTION



in association with

Butte, Colusa, Fresno, Glenn, King,  
Madera, Plumas, Shasta-Trinity and Tulare

COUNTY BAR ASSOCIATIONS Presents:

## LABOR AND EMPLOYMENT LAW FOR THE GENERAL PRACTITIONER

### IN TWO LOCATIONS:

1. Saturday, November 12, 2005  
8:30 a.m. to 2:00 p.m.

CANYON OAKS COUNTRY CLUB  
999 Yosemite Dr.  
Chico, CA 95928  
(530) 343-2582

2. Saturday, November 19, 2005  
8:30 a.m. to 2:00 p.m.

FRESNO COURTYARD MARRIOTT ON SHAW  
140 East Shaw Ave.  
Fresno, CA 93710  
(559) 221-6000

4 Hours MCLE Credit

The State Bar of California Section Education & Meeting Services is a State Bar of California approved provider.

# LABOR AND EMPLOYMENT LAW FOR THE GENERAL PRACTITIONER

## PROGRAM SCHEDULE

**8:30–9:00 A.M.**

CHECK-IN AND CONTINENTAL BREAKFAST (included)

**9:00–10:00 A.M.**

THE LAW OF EMPLOYMENT

Fundamentals of at-will employment, employment i contracts, public policy and collective bargaining, including wrongful termination and unlawful discrimination.



**10:00–10:15 A.M.**

BREAK

**10:15–11:15 A.M.**

ADMINISTRATIVE AGENCY AND COURT JURISDICTION IN LABOR AND EMPLOYMENT CASES

A review of the considerations and procedures in bringing and defending claims—particularly agency vs. court jurisdiction, administrative exhaustion and limitations periods—before several of the administrative agencies which enforce labor and employment laws in California, including the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), the Office of the Labor Commissioner, the National Labor Relations Board (NLRB), the Public Employment Relations Board (PERB), and the Unemployment Insurance Appeals Board.



**11:15–12:00 P.M.**

LUNCH (included)

**12:00–1:00 P.M.**

CALIFORNIA WAGE AND HOUR LAW

Essentials of wage and hour law, particularly often-misunderstood issues including overtime, record keeping, independent contractors, salary vs. hourly compensation, commissions and breaks.



**1:00–2:00 P.M.**

WORKERS WITH DISABILITIES AND ILLNESSES

Overview and analysis of the several state and federal laws in this area, as well as the interplay between and among them, with a focus on disability discrimination (federal and state), disability accommodation (federal and state), and family and medical leave (federal and state, including the new state law entitling workers to paid leaves of absence).



## FACULTY

**Joan E. Herrington, J.D.**

Bay Area Employment Law Offices, Oakland, CA

Joan Herrington's experience as an executive officer of the New Zealand Post-Primary Teacher's Association - Aoraki Region led her to return to California to become a civil rights lawyer. She maintains her own law practice, Bay Area Employment Law Office, in Oakland, California primarily representing individuals with disabilities. Ms. Herrington authored "Your Right to a Smoke-Free Workplace in California Under Disability Law" published by the Public Health Institute in 2001, and taught a course in Disability Rights at Golden Gate University School of Law during the Spring of 2003. Ms. Herrington's *pro bono* work includes participation in the Trial Advocacy Skills program at Stanford University School of Law and the Appellate Advocacy course at Golden Gate University School of Law. Ms. Herrington is a frequent speaker at law conferences, including the California Employment Law Association, and at programs to increase the public's awareness of laws that protect working people and those with disabilities.



## David deRubertis, J.D.

The deRubertis Law Firm, Woodland Hills, CA

David M. deRubertis represents employees in actions against current and former employers, concentrating on disability discrimination/reasonable accommodation and family/medical leave claims. His significant cases include: *Roby v. McKessonHBOC* (\$19.1 million dollar verdict—the largest employment verdict in the nation in 2004); *Vargas and Hofmeister v. City of San Diego* (reportedly the largest pre-trial settlement of a non-class action employment case by the City); co-author of the Amicus brief for the California Employment Lawyers Association (CELA) in *Johnson v. Ford*; and serving as lead appellate counsel in the pending case of *Lonicki v. Sutter* (first California Family Rights Act case to reach the California Supreme Court). Mr. deRubertis is on the Executive Committee of the State Bar Labor & Employment Law Section, and is active in CELA and the Consumer Attorneys of Los Angeles and California. Mr. deRubertis is a *magna cum laude* graduate from UCLA and *summa cum laude* graduate from Loyola Law School.

## Timothy J. Kolesnikow J.D.

Law Offices of Timothy J. Kolesnikow, El Segundo, CA

Timothy J. Kolesnikow represents employees in individual and class action wage and hour matters, including minimum wage and overtime cases, and class proofs of claim in bankruptcy. While the majority of his career has concentrated in the wage and hour area, Mr. Kolesnikow also handles cases in wrongful termination, discrimination and harassment. Mr. Kolesnikow is a former attorney with the State of California's Division of Labor Standards Enforcement (DLSE), where he represented the Agency in trial and for appeals in minimum wage, overtime and labor law abuse cases. He represented the Agency in *D.I.R. vs. Atlantic Baking Co., Inc.* (2001) 89 Cal.App.4th 891, and a co-author of the 2002 DLSE Enforcement Policies and Interpretations Manual. For many years Mr. Kolesnikow was an associate in a Los Angeles firm that concentrates on wage and hour class actions. He recently opened his own law offices in El Segundo, California. Mr. Kolesnikow is a graduate of Loyola Marymount University, Los Angeles, and obtained his law degree from Loyola Law School, Los Angeles

## Tyler M. Paetkau, J.D.

Winston and Strawn, LLP, San Francisco, CA

Mr. Paetkau is a partner in Winston & Strawn's San Francisco office, representing employers in state and federal court in cases involving wrongful termination, discrimination, retaliation, sexual harassment, defamation, unpaid commissions and wage and hour violations, and more. Mr. Paetkau provides employment counseling on personnel policies and procedures, employee handbooks, workplace investigations, employee discipline and termination matters, corporate restructuring, employment contracts, protection of trade secrets, employment benefits and more. He is immediate past chair and current advisor of the Executive Committee of the State Bar of California's Labor and Employment Law Section. In 2004, Mr. Paetkau was named as a Northern California "Super Lawyer" in employment litigation by Law & Politics and SF Magazine. Mr. Paetkau received a B.A., with high honors and high distinction, from the University of Michigan. He received a J.D., *cum laude*, from the University of Michigan Law School in 1989.

## Marilynn Mika Spencer, J.D.

Law Offices of Marilynn Mika Spencer, San Diego, CA

Marilynn Mika Spencer has been representing workers and labor unions for 20 years, first as a labor union officer and shop steward, then as an attorney. Ms. Spencer maintains a private law office in San Diego, representing unions, workers, and selected employers in labor and employment matters. Ms. Spencer is co-author of a chapter on injured and disabled workers for the National Lawyers Guild publication *Employee and Union Member Guide to Labor Law*, published by Clark Boardman Callaghan (West Group), and her articles have appeared in a number of law journals. Ms. Spencer is on the Executive Board of the California Employment Lawyers Association (CELA); a past Member of and current Advisor to the Executive Committee of the California State Bar Labor and Employment Section; and immediate past Chair of the Personnel Appeals Board of the City of La Mesa. Ms. Spencer obtained her undergraduate degree, *cum laude*, in Linguistics from the University of California, Los Angeles (UCLA) and her law degree from the UCLA School of Law.

# REGISTRATION FORM

## THE LABOR AND EMPLOYMENT LAW SECTION, STATE BAR OF CALIFORNIA LABOR AND EMPLOYMENT LAW FOR THE GENERAL PRACTITIONER

### CHOOSE LOCATION:

☐ CHICO (check here) ..... OR ..... ☐ FRESNO (check here)

Saturday, November 12, 2005  
8:30 a.m. to 2:00 p.m.

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999 Yosemite Dr.  
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*Note: One registrant per form. Photocopies may be used.*

Bar Number: \_\_\_\_\_  
Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address:\* \_\_\_\_\_

\*Required for e-mail confirmation

### REGISTRATION FEES (must be received by November 7, 2005)

Please check the appropriate box below:

- ☐ \$35 Students  
☐ \$45 Member of State Bar Labor & Employment Law Section, Butte, Colusa, Fresno, Glenn, King, Madera, Plumas, Shasta-Trinity and Tulare County Bar Associations  
☐ All Others \$70 (Includes 2006 Membership in the State Bar Labor and Employment Section)

Amount Enclosed /To Be Charged..... \$ \_\_\_\_\_

### CREDIT CARD INFORMATION

I authorize the State Bar of California to charge my program registration to my Visa/MasterCard account.  
No other credit card will be accepted.

Account Number \_\_\_\_\_ Exp. Date \_\_\_\_\_  
(VISA/MASTERCARD ONLY)  
Cardholder's Name \_\_\_\_\_  
Cardholder's Signature \_\_\_\_\_

### REGISTRATION INFORMATION DEADLINE

In order to pre-register, your form and check, payable to the **State Bar of California**, or credit card information  
**MUST BE RECEIVED BY November 7, 2005.**

### REGISTER ON-LINE

Go to [www.calbar.ca.gov/laborlaw](http://www.calbar.ca.gov/laborlaw)

MAIL TO: Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105

OR

FAX TO: Program Registrations at 415.538.2368. In order to fax your registration, credit card information is MANDATORY.

### CANCELLATIONS/REFUNDS

Cancellations and requests for refunds must be received in writing by November 4, 2005. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit. ON-SITE REGISTRATION is limited and subject to availability.

### QUESTIONS

For information regarding the program please call 415.538.2242.

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### SPECIAL ASSISTANCE

Please call 415.538.2549